



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

May 6, 1997

Jean L. Baker, Chief
Office of Environmental Engineering
Technical Studies
California Department of Transportation
District 3
P.O. Box 911
Marysville, CA 95901

Dear Ms. Baker:

The Environmental Protection Agency has reviewed the information provided in your letter of March 17, concerning the proposed Route 65: Lincoln Bypass project. As you requested in your letter and per the NEPA/404 Memorandum of Understanding (MOU), we will be offering comments on basic project purpose and need and the range of alternatives to be evaluated in the DEIS. The purpose and need statements and the alternatives analysis discussion presented here, are in response to our June 28, 1994 comments on these issues.

We are pleased to offer our initial concurrence that the range of alternatives appears to meet the requirements of Section 404, and the project document has included acceptable criteria for considering the alternatives selected. While we agree that the tiered approach is an acceptable tool for selecting alternatives, we are concerned over the design parameter statement that the project should be built for a reasonable cost. In the Tier 2 documentation, Caltrans should define what would be a reasonable cost for this project and what the fiscal constraints are for not examining projects that would be more costly.

We also concur with the project purpose and need that is presented as a response to our comments of June 28, 1994. We concur that this purpose and need for the project is adequately defined to satisfy the NEPA and Section 404 project purpose standards. However, we were unclear as to why Caltrans elected to keep the previous Purpose statement in the documentation. Caltrans seems to imply that this purpose statement will continue to be identified as the definition for the project and that the other Purpose statement is offered in order to address the resource agency concerns rather than as a replacement for the original statement. For clarity, we suggest that Caltrans remove the previous purpose statement, and keep only the rewritten Purpose statement:

The Corps of Engineers jurisdiction within the study areas is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States or excavation that has more than a minimal effect on the aquatic environment in these waters. The range of alternatives considered in an EIS should include alternatives that avoid fill in wetlands or other waters of the United States within the study area. Every effort should be made to avoid project features which require the discharge of fill into waters of the United States or which would indirectly lead to their loss. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for losses resulting from project implementation.

We appreciate the opportunity to be included in your review process. We look forward to working with you in the identification of the Section 404 least environmentally damaging project alternative and in processing any Department of the Army permits which may be required for this project. If you have any questions, please write to Michael Finan, Room 1480, or telephone (916) 557-5324.

Sincerely,



Bob Junell

Chief, Sacramento Valley Office

Copies Furnished:

Ms. Kelly Oliver-Amy, Wetlands Branch, U.S. Fish and Wildlife Service, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340

Mr. James Romero, CWA Compliance Office (WTR-7), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105

Ms. Edna Maita, Environmental Services, California Department of Fish and Game, 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670